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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,431	01/22/2004	Lutz Biedermann	7948-17	6801
<div>7590 04/16/2007 Barry E. Bretschneider Morrison &amp; Foerster LLP 1650 Tysons Boulevard Suite 300 McLean, VA 22102</div>			<div>EXAMINER PHILOGENE, PEDRO</div>	
			<div>ART UNIT 3733</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
1 MONTHS		04/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/763, 431

EXAMINER

ART UNIT

PAPER

20070413

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application is in condition for allowance except for the following formal matters:

Applicant has suggested an interference pursuant to 37 CFR 41.202(a) in a communication filed 07/09/2004.

Applicant is suggesting an interference be declared between the instant application and U.S. patent 6,974,460 to Carbone.

Applicant failed to (1) identify all claims the applicant believes interfere, and/or (2) propose one or more counts, and/or (3) show how the claims correspond to one or more counts. See 37 CFR 41.202(a)(2) and MPEP 2304.02(b).

With respect to (2) applicant lists a variety of claims as being the proposed count. Respectfully, a count cannot consist of more than one claim. See 37 CFR 41.201 for the definition of a count.

With respect to (3), see 37 CFR 41.207(b)(2) for an explanation of "correspondence to a count". Claims do not correspond to a count because they are copied from a patent; correspondence is based upon the subject matter of the count and the state of the prior art. See Also MPEP 2304.02(b) and 2301.03.

Applicant failed to provide a claim chart comparing at least one claim of each party corresponding to the count. See 37 CFR 41.202(a)(3) and MPEP § 2304.02(c).

Applicant failed to provide a claim chart showing, for each constructive reduction to practice for which the applicant wishes to be accorded benefit, wherein the disclosure provides a constructive reduction to practice within the scope of the interfering subject matter. Particularly, as applicant seeks to be accorded the status of Senior party to the interference; this showing must be made to support that assertion. See MPEP 37 CFR 41.202(a)(6).


Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to correct the deficiency(ies). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (571) 272-4716. The examiner can normally be reached on Monday to Friday 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272-4719. The fax phone number for the organization where this application or preceeding is assigned 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for

unpublished applications is available through Private Pair only. For more information about the PAIR system, see [HTTP://pair-direct.uspto.gov](http://pair-direct.uspto.gov). should you have questions on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representation or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pedro Philogene  
April 11, 2007

A handwritten signature in black ink, appearing to read "Pedro Philogene", with a long horizontal flourish extending to the right.